

UNITED STATES OF AMERICA

v.

OMAR AHMED KHADR

a/k/a Akhbar Farhad

a/k/a Akhbar Farnad

PO 1 M

Schedule of Motion Practice and Other trial
Events

23 January 2006

1. The Presiding Officer is in receipt of emails from CPT Merriam (PO 1 K) and Mr. Ahmad (PO 1 L) concerning the February trial term. (Both attached.) Those filings are being considered as a Defense request not to hold a session of the Commission in US v. Khadr during the February trial term. In light of those requests, this document rescinds and replaces PO 1 I (India) issued 19 Jan 2006.

2. Counsel are reminded of the trial schedule established during the January 2006 term of the Commission. That schedule is (all dates 2006) (*Note*: No change to this paragraph from PO 1 I except items d and h):

- a. 24 February: Legal (non-evidentiary) motions due.
- b. 10 March: Responses to legal motions due.
- c. 17 March: Replies to legal motions due.
- d. 27 March: Hearing at Guantanamo to hear legal motions. (See also paragraph 5 below.)
- e. 14 April: Evidentiary motions due.
- f. 28 April: Responses to evidentiary motions due.
- g. 5 May: Replies to evidentiary motions due.
- h. 22 May: Hearing at Guantanamo to hear evidentiary motions. (See also paragraph 5 below.)

3. (*Note*: No change.) The Presiding Officer relieves the parties of the requirement to file a notice of motions (See paragraph 7, POM 4-3) if the parties adhere to the schedule in paragraph 1 above. If a party requests an extension to file a motion, the Presiding Officer hereby requires a notice of motion be filed.

4. Discovery (PO 2).

a. The Presiding Officer believes it imperative to begin the discovery process and recognizes he modified the date to file objections to discovery. The modification was made prior to scheduling the 27 February-3 March Commission Term. In view of the need to begin and complete discovery as soon as possible, all terms of the Discovery Order in PO 2 remain in effect. Paragraph 7 b of that Order provided: "Counsel who object to the requirements of this discovery Order, the Presiding Officer's authority to issue a discovery order, or who seek any relief from the requirements of this Order shall file a motion in accordance with POM 4-3 NLT 31 Jan 2006." This provision applies to both the Prosecution and the Defense.

b. Unless the Prosecution files an appropriate motion by 31 Jan 2006 and receives a stay from the Presiding Officer on its discovery obligations (See paragraph 14 of PO 2, "The Prosecution shall provide to the Defense the items listed below not later 31 Jan 2006,") the Prosecution shall comply with its Discovery Order obligations on the date required

c. Unless the Defense files an appropriate motion by 31 Jan 2006 and receives a stay from the Presiding Officer on its discovery obligations (See paragraph 15 of PO 2, "The Defense shall provide to the detailed [sic] Prosecution the items listed below not later than 28 Feb 2006,") the Defense shall comply with its Discovery Order obligations on the date required.

d. If either party makes a motion concerning this Order, the parties will continue to fulfill discovery obligations pending disposition of the motion, unless the motion also requests, and the Presiding Officer grants, a delay from compliance. Any request for a delay will particularly describe the items by paragraph number as listed in this Order for which a delay is requested. A request for a delay that accompanies a motion concerning this Order for items not affected by the motion will not ordinarily be granted.

e. If a party cannot comply with the requirement to file a motion to the Discovery Order as described above, they must request leave of the Presiding Officer to file their motion at a later date specifying why they cannot comply.

5. The next scheduled term of the Commission will be on or about 27 March. This date – and other scheduled dates of the Commission - may be adjusted depending on other sessions and the parties are expected to remain flexible.

6. A summary of significant dates of the Commission is enclosed.

IT IS SO ORDERED:

/s/

R.S. CHESTER
Colonel, U.S.M.C.
Presiding Officer

Summary of PO 1 M Requirements

(If a conflict between this summary and the text of the Order, the text of the Order shall control.)

Item	When (2006)	What	Note
1	31 Jan	Government compliance with Discovery due	Unless the Prosecution applies for and is granted a stay because they filed a motion on the Discovery Order (Item 2)
2	31 Jan	Motions by either side pertaining to the Discovery Order due	
3	24 Feb	Legal motions due	
4	28 Feb	Defense compliance with Discovery Order	Unless the Defense applies for and is granted a stay because they filed a motion on the Discovery Order (Item 2)
5	10 Mar	Responses to legal motions due	
6	17 Mar	Replies to legal motions due	
7	27 Mar	Hearing at Guantanamo to hear legal motions	This date may be adjusted. parties to remain flexible.
8	14 Apr	Evidentiary motions due.	
9	28 Apr	Responses to evidentiary motions due	
10	5 May	Replies to evidentiary motions due	
11	22 May	Hearing at Guantanamo to hear evidentiary motions	This date may be adjusted. parties to remain flexible.